

ORDINANCE 1611

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ESTABLISHING INTERIM ZONING REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT; AMENDING SECTION 18.06.030 “DEFINITIONS”, 18.10.030 “PERMITTED LAND USES”, 18.10.025 “SPECIAL DISTRICTS” INCLUDING THE TANNER LANDING MASTER PLAN OVERLAY DISTRICT AND TANNER JUNCTION MASTER PLAN OVERLAY DISTRICT OF THE NORTH BEND MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on December 8, 2015, the City Council of the City of North Bend adopted Ordinance No. 1574 approving the 2015 amendments to the North Bend Comprehensive Plan (the “Comprehensive Plan Update”); and

WHEREAS, on January 5, 2016, the City Council adopted Ordinance No. 1576 amending the City zoning code to be consistent with the Comprehensive Plan; and

WHEREAS, the Growth Management Act (GMA) permits the City Council to adopt interim zoning regulations without a prior public hearing pursuant to RCW 36.70A.390; and

WHEREAS, the City of North Bend (“City”) was under a building moratorium from 1999 through 2009 because it did not have water capacity to support growth; and

WHEREAS, soon after the building moratorium was lifted, the City was affected by the great recession of 2009 through approximately 2012; and

WHEREAS, after more than a decade of stymied growth, the City has experienced a tremendous development boom over the last several years which has vested approximately 897 new housing units to the City since 2009; and

WHEREAS, the City Council is concerned about the effect of the rapid increase of development in the City and wishes to assess whether the City is growing consistent with the adopted vision for North Bend including the appropriate location for multifamily or high density development; and

WHEREAS, the City Council wishes to evaluate whether the location of multifamily structures outside of the central core of downtown North Bend and existing high density residential zones is consistent with its land use vision and the community vision statement set forth in its Comprehensive Plan; and

WHEREAS, multifamily structures and other similar residential uses are allowed within other zones throughout the City of North Bend intended primarily for other purposes including Low-Density Residential (LDR); Cottage Residential (CR); Neighborhood Business (NB), Interchange Commercial (IC); Interchange Mixed Use (IMU); Employment Park 1 (EP-1) and Special Districts described in NBMC 18.10.025 and the City Council is concerned that the proliferation of multifamily in these areas intended primarily for other land use purposes may be inconsistent with its land use vision; and

WHEREAS, the Tanner Landing Master Plan Overlay District (Tanner Landing MPOD) is located on North Bend Way on property which abuts the King County Tanner Landing Park and the Snoqualmie Valley Trail; this overlay allows multifamily development in the EP-1 zone under certain conditions; and Council is concerned that such development outside of the city center core may not be consistent with its vision; and

WHEREAS, the Tanner Landing MPOD allows multifamily development to occur consistent with high density residential bulk and dimensional standards including 10' front yard setbacks and Council is concerned this is not consistent with the community vision statement of preserving North Bend's rural character, natural beauty and small town scale by allowing up to three story multifamily structures to be built adjacent to North Bend Way obstructing views of Mt Si; and

WHEREAS, the City Council's land use vision is to provide a broad range of diverse housing types in multifamily developments including duplexes, triplexes, fourplexes and not simply 10 unit multifamily buildings in order to provide diverse housing options for its residents; and

WHEREAS, the City Council acknowledges the City brand statement that North Bend is a small town that is creating the premiere outdoor adventure destination in the Puget Sound region and that the Tanner Landing MPOD recreational features of providing a public park and connectivity to the King County Tanner Landing Park will provide a public amenity to the citizens of North Bend; and

WHEREAS, the City Council is concerned about the lack of workforce and affordable housing stock and is seeking to encourage diversity of housing stock, affordable housing and unique architectural design; and

WHEREAS, the City Council agreed to rezone certain property pursuant to Ordinance 1584 as part of the Tanner Junction Master Plan Overlay District (Tanner Junction MPOD) to provide affordable housing and the City has received an application from Robert Hibbs to construct fourteen (14) buildings with 129 units on 5.97 acres within the Tanner Junction Master Plan Overlay District ("Hibbs Application"); and

WHEREAS, the City Council is concerned that additional multifamily outside of the affordable housing stock being constructed as part of the Hibbs Application is not consistent with its vision of centralizing multifamily development near its downtown core; and

WHEREAS, the Hibbs Application is still under review to determine if it complies with all the requirements of the North Bend City code but Council believes that a multifamily project in compliance with the code which provides affordable housing will be consistent with providing a diversity of housing stock; and

WHEREAS, the City Council believes that Employment Park-1 industrial uses are incompatible with residential uses located adjacent to the Tanner Junction MPOD and wishes to maintain a landscape buffer to separate such incompatible residential and industrial uses; and

WHEREAS, the City Council finds that the vesting of additional permit applications for multifamily structures within the zoning districts subject to this interim regulation without the protection of these additional regulations, with the exception of the Hibbs Application and currently vested development projects would be detrimental to public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The City Council hereby adopts the recitals set forth above as its findings of fact in support of adopting the interim zoning regulations established herein.

Section 2. Definitions: A new definition shall be added to Section 18.06.030 for “Upper Floor Dwelling Units to mean a residential unit which is part of a mixed use development having a ground floor commercial or retail use; provided, however, that in Employment Park zones no building may have more than 5 such upper floor dwelling units which must be necessary for and compatible with the first floor commercial uses.

Section 3. Permitted Land Uses: For purposes of these interim regulations, multifamily structures shall include the following types of multifamily and residential uses described in Table 18.10.030 “Permitted and Conditional Land Uses of the North Bend Municipal Code (NBMC):

- All structures listed in Section 1.20 including duplexes, triplexes, fourplexes, cohousing, other multifamily dwellings over four units, mixed housing types;
- Section 1.33 “Homes for the Elderly and Related, a subsection of Section 1.30 “Special Service Housing; and
- Section 1.42 “Boarding Houses”, a subsection of Section 1.40, “Miscellaneous Rooms for Rent”.
- Section 1.55 including “Interim Housing Facilities”

Section 4. NBMC 18.10.025(C)(2) Tanner Landing Master Plan Overlay District, Amended: North Bend Municipal Code Subsection 18.10.025(C)(2) Tanner Landing Master Plan Overlay District (Tanner Landing MPOD) is amended to read as set forth in Exhibit A attached hereto, which is incorporated by this reference.

Section 5. NBMC 18.10.025(C)(2) Tanner Junction Master Plan Overlay District (Tanner Junction MPOD) , Amended: North Bend Municipal Code Subsection 18.10.025(C)(2) Tanner Junction Master Plan Overlay District (Tanner Junction MPOD) is amended to read as set forth in Exhibit A attached hereto, which is incorporated by this reference.

Section 6. Exemptions: The interim regulations imposed by this Ordinance shall not apply to the following:

- A. Permits and approvals for churches, synagogues, and temples or for educational service uses including housing associated with such purposes;
- B. Permits and approvals for additions or alterations to existing multifamily structures when such additions or alterations do not result in the creation of new units, and permits for structures replacing pre-existing multifamily structures destroyed by fire or other unintentional casualty.
- C. Permits and approvals for law enforcement, emergency medical, and disaster relief facilities, parking and storage;
- D. Any application approved by the Council pursuant to a Development Agreement consistent with Chapter 18.27 of the NBMC.

Section 7. Public Hearing: Pursuant to RCW 36.70A.390, the City Council shall conduct a public hearing on this ordinance within 60 days of its adoption.

Section 8. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 9. Effective Date: This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the “WHEREAS” clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 12TH DAY OF
DECEMBER, 2016.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: December 21, 2016

Effective: December 12, 2016

Susie Oppedal, City Clerk